

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.37154 of 2019 (O&M)
Date of Decision: 30.09.2019**

Ramesh Chand Chawla

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gourav Verma, Advocate for the petitioner.

Mr. Arun Kumar, AAG, Haryana for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case bearing FIR No.328 dated 13.08.2019, under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*hereinafter referred as NDPS Act*), registered at Police Station Rai, District Sonapat.

Contents that recovery of the alleged contraband is 4 Kg. and 940 grams of *Poppy Straw*. Also contends that petitioner is 72 years of age, suffering from various ailments and there is no other criminal case pending against him.

The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from ASI Mukesh, but opposed the present bail application.

Heard both sides and perused the paper-book.

Since the contraband is less than commercial quantity, therefore, the rigour of Section 37 of the NDPS Act would not be attracted in this case. Concededly, there is no other criminal case pending against the petitioner; he is 72 years old and trial is likely to take long time, thus, further incarceration of the petitioner will not serve any purpose. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any recurrence on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

September 30, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>